

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

George Cleveland,)	
)	
Plaintiff,)	C.A. No. 8:08-517-HMH-WMC
)	
vs.)	OPINION & ORDER
)	
Mayor Larry W. Abernathy, in his official)	
capacities as Mayor and Chief Executive)	
Officer of the City of Clemson, SC;)	
Mayor Pro Tem, Buford E. “Butch”)	
Trent, in his official capacities as Mayor)	
Pro Tem of the City of Clemson, SC,)	
)	
Defendants.)	

This matter is before the court on George Cleveland’s (“Cleveland”) motion for reconsideration. A motion to alter or amend a judgment under Rule 59(e) of the Federal Rules of Civil Procedure may be made on three grounds: “(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993). “Rule 59(e) motions may not be used, however, to raise arguments which could have been raised prior to the issuance of the judgment.” Pac. Ins. Co. v. Am. Nat’l Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998). “In general reconsideration of a judgment after its entry is an extraordinary remedy which should be used sparingly.” Id. (internal citation and quotation marks omitted).

In the motion, Cleveland reasserts his arguments and presents no new facts or evidence which alter the court's findings in its March 24, 2009 order. In addition, Cleveland has identified no clear error of law. Therefore, Cleveland's motion is denied.

It is therefore

ORDERED that Cleveland's motion for reconsideration, docket number 75, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
April 8, 2009

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.